

REMARKS/ARGUMENTS

Claims 1-11 and 15-17 are pending. Claims 1, 9, and 15 have been amended to more particularly point out and distinctly claim a portion of the subject matter Applicants regard as their invention. No new matter has been added.

Restriction Requirement

Claims were divided into Groups I (claims 1-8), II (claims 9-11 and 15-17), III (claims 12-13), and IV (claim 14). Applicants elect group I with traverse, because the restriction is not proper.

The claims of Groups III and IV (claims 12-14) had been canceled in the preliminary amendment submitted on March 7, 2002. Group I is drawn to polynucleotides, host cells, methods for expressing the MurF protein, and the MurF protein. Claim 7, the only method claim in group I, is drawn to a method of making MurF protein. Group II is drawn to methods of identifying inhibitors of MurF, i.e. methods of using MurF.

When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group. (See MPEP 1893.03(d); 37 CFR 1.499). The examiner failed to explain why there is no single general inventive concept in the Groups I and II of the present invention.

A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art. (See MPEP 1893.03(d); 37 CFR 1.475).

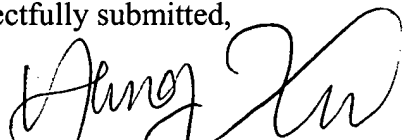
There is a technical relationship among the Groups I and II that involves at least one common or corresponding special technical feature. As discussed above, Groups II is drawn to

the methods of using the product claimed in Group I. The novelty of the claimed product is the contribution which each claimed invention, considered as a whole, makes over the prior art. Thus, there is unity of invention among Groups I and II.

It is believed that no additional fee is required with this submission. However, should an additional fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 13-2755.

Allowance of claims 1-11 and 15-17 is earnestly solicited.

Respectfully submitted,

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